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On: 8 January 2007  
Signature: [Signature]  
Type or Printed Name: Anna Gil

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re to the Application of:</b>  Peter W. BRINGMANN et al.  <b>Serial No.:</b> 10/005,646  <b>Filed:</b> 7 December 2001  <b>Title:</b> NOVEL FIBROBLAST GROWTH FACTORS  <b>Docket No.:</b> 51835AUSM1	<b>Examiner:</b> Christine J. Saoud  <b>Group Art Unit:</b> 1647
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Attention: Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION SUBMITTED WITH PETITION TO  
REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION  
UNDER 37 CFR § 1.137(b), NOTICE OF APPEAL, AND  
STATEMENT RE UNINTENTIONAL DELAY IN FILING A NOTICE OF APPEAL

Dear Sir:

The above-identified application became unintentionally abandoned for failure to file a Notice of Appeal in compliance with 37 CFR §1.191. On 25 May 2006, Applicants filed a response to the final rejection mailed 12 November 2005 and inadvertently did not file a Notice of Appeal. Thereafter, Applicants received an Advisory Action mailed 9 June 2006 advising that the Applicants' response of 25 May 2006 failed to place the present application in condition for allowance, and the Notice of Abandonment mailed 19 July 2006.

Adjustment date: 04/26/2007 CKHLOK  
01/08/2007 TL0111 00000060 022117 10005646  
02 FC:1253 1020.00 CR

01/09/2007 TL0111 00000060 022117 10005646  
02 FC:1253 1020.00 DA

JAN 08 2007

Application Serial No. 10/005,646  
Attorney Docket No. 51835AUSM1  
Communication re Petition to Revive Unintentionally Abandoned Application

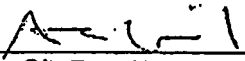
Applicants hereby affirm that the entire delay in filing a Notice of Appeal was unintentional. In accordance with 37 CFR § 1.137(b), Applicants are within the one-year period for reviving the subject application, and wish to revive the abandoned application and file a Notice of Appeal under 37 CFR §1.191.

Included here with this communication is a Petition for Revival (2 pages) and Notice of Appeal (2 pages, including duplicate copy).

Applicants hereby authorize the Patent Office to charge to Deposit Account No. 02-2117: 1) the \$1,500.00 Petition fee under 37 CFR § 1.17(m) for reviving U.S. Serial No. 10/005,646; 2) the \$1,020.00 Petition fee under 37 CFR § 1.17(a)(3) for extending the pendency of U.S. Serial No. 10/005,646; 3) the \$500.00 fee for filing a Notice of Appeal for U.S. Serial No. 10/005,646; and 4) any other necessary fees associated with the filing of the Petitions and Notice.

Respectfully submitted,

Date: 8 January 2007

  
Anna Gil, Reg. No. 46,726  
Attorney for Applicants

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PTO/SB/01 (09-06)  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>51835AUSM1</b>	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>8 January 2007</u> Signature <u>Anna Gil</u> Typed or printed name <u>Anna Gil</u>		In re Application of <u>Peter W. BRINGMANN</u> Application Number <u>10/005,646</u> Filed <u>7 December 2001</u> For <u>Fibroblast Growth Factors</u> Art Unit <u>1647</u> Examiner <u>Christine J. Saoud</u>	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <u>\$ 500.00</u> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____ <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account No. <u>02-2117</u> . I have enclosed a duplicate copy of this sheet. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>02-2117</u> . I have enclosed a duplicate copy of this sheet. <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b> I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input type="checkbox"/> attorney or agent of record. Registration number _____ <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>46,726</u> Signature <u>Anna Gil</u> Typed or printed name <u>Anna Gil</u> Telephone number <u>510 669-4758</u> Date <u>8 January 2007</u> NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
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TYPED/PRINTED NAME: <u>Karen Creasy</u>		TITLE: <u>Petitions Examiner</u>		
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